

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION

Plaintiff,

v.

ENBRIDGE ENERGY COMPANY, INC., and
ENBRIDGE ENERGY, LP

Defendants.

Case No. 3:19-cv-00602

Judge William M. Conley
Magistrate Judge Stephen Crocker

ENBRIDGE ENERGY, LP

Counter-Plaintiff,

v.

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION and
NAOMI TILLISON, in her official capacity

Counter-Defendants.

**DECLARATION OF UNITED IN SUPPORT OF ENBRIDGE'S OPPOSITION TO
MOTION FOR INJUNCTION**

I, John R. Wagner, have personal knowledge of the following and make this declaration in support of Enbridge Energy, Limited Partnership's ("Enbridge") opposition to Plaintiffs motion for injunction:

1. My business address is 15 Bradley Street, Warren, Pennsylvania 16365. My current position is Executive Vice President, General Counsel and Secretary of United and President of Kiantone Pipeline Company and Westover Express Pipeline Limited, subsidiaries of United. I have worked at United since 1997.

2. United is a petroleum refining and marketing company located in the City of Warren, Warren County, Pennsylvania, and has been in operation since 1902.

3. United relies exclusively on crude oil supplied by Enbridge through its pipeline system in Canada and the United States, including a significant volume of oil that is transported on Line 5 to lines that connect to our refinery.

4. As a result of any Line 5 closure, United will not receive sufficient volumes of crude oil from Enbridge to continue the operation of its refinery in Warren, Pennsylvania, and there are no readily available alternative means of supplying the refinery with substitute oil. Accordingly, any cessation of Line 5, for any period of time, will necessarily cause a shutdown of United's refinery.

5. It is uncertain at best if alternative oil supply arrangements can be made at all, or on an economically feasible basis. United is not aware of any existing transportation alternative to Line 5; and any new such alternatives would take years to construct.

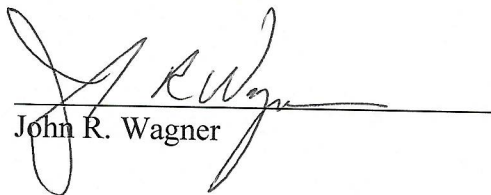
6. United and its convenience store affiliates (gas stations) employ approximately 4,307 full time and part time employees in western Pennsylvania, western New York and eastern

Ohio. A substantial majority of these jobs will be lost in the event United must shut down its refinery in Warren, Pennsylvania.

7. The loss of supply through Line 5 represents an immediate threat to the survival of United and the economic health of the northwestern Pennsylvania and western New York region.

I declare under penalty of perjury that the foregoing is true and accurate.

Executed on this 17th day of May, 2023.


John R. Wagner